THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P.No. 10694 of1996

DATE: 14-11-2006

Between:

Dr. D. Krishna Kumar

..Petitioner.

And

The Authority under Section 20 of Minimum Wages Act
And Jt. Commissioner of Labour, A.P., Hyderabad and another.

..Respondents

THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 10694 of 1996

O R D E R:

Aggrieved by the order dated 10.05.1996 passed by the authority under the Minimum Wages Act, 1948 (for short 'the Act') in M.W. No. 2 of 1994, whereunder and whereby, the petitioner, in addition to the minimum wages due to the workmen, was directed to pay additional amount of Rs.300/- to each of the workmen irrespective of their category, and the difference of arrears due, within one month from the date of the said order.

The contention of the learned counsel for the petitioner is that the petitioner has been complying with the provisions of the Act and the Rules made thereunder and has been paying the minimum wages to all its workers as per their categorization. He submits that the 1st respondent Authority, without properly appreciating the entire material and evidence on record, erred in awarding Rs.34,945/- and further granting additional amount of Rs.300/- to each of the workmen. He further submits that the jurisdiction of the 1st respondent Authority under Section 20 of the Act is very limited and summary in nature, and he has no jurisdiction to decide the status or category of an employee, and more so when the status or category of an employee is not in dispute.

Heard the learned counsel appearing for the parties and perused the impugned order.

A perusal of the record would show that the employment provided by the petitioner-Datla Electronics Private Limited is a scheduled employment specified in the Schedule under Part-I of Section 2(g) of the Act and the petitioner has to pay the wages in accordance with G.O. Ms. No. 112, W.D.C.W. and Labour (Lab-II) Department, dated 26.10.1993. The evidence of AW.2 is very clear that at the time of inspection, the Works Manager though was present, did not produce the relevant records. Despite granting time till 24.07.1994, the Works Manager did not produce the records/registers. The evidence shows that the workers were denied the minimum wages as prescribed under the G.O. As can be seen from the statements of the workers as well as the evidence of R.W.2 and the Quality Inspector, the workers were described by various designations, which designations involved more skills and lot of care was required to be taken while fixing and assembling the parts. The 1st respondent-Authority, taking the said aspects into consideration, came to the conclusion that the workmen were denied the minimum wages and fixed an amount of Rs.34,945/- as the differential amount and passed the award to that effect. The authority though held that in case of denial of payment of minimum wages, the employees were entitled for higher compensation not exceeding ten times. However, it took a lenient view and awarded an additional amount of Rs.300/-each. The impugned award, passed by the authority, being based on proper appreciation of evidence and material on record, does not call for interference by this Court, and more so when the petitioner failed to point out any infirmities.

There is no merit in the writ petition and the same is accordingly

dismissed. No costs.

N.V. RAMANA, J

Dated: 14 -11-2006
PVKS/*